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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE SUNPOWER SECURITIES
LITIGATION

Case No. CV 09-5473-RS
(Consolidated)

CLASS ACTION

**STATEMENT OF RECENT DECISION
IN SUPPORT OF SUNPOWER
DEFENDANTS' MOTION TO DISMISS
PLAINTIFFS' FIRST AMENDED
CONSOLIDATED COMPLAINT**

Pursuant to Civil Local Rule 7-3(d), and the SunPower Defendants' Request for Leave to File their Statement of Recent Decision in support of their Motion to Dismiss Plaintiffs' First Amended Consolidated Complaint filed concurrently herewith, the SunPower Defendants submit the following recent opinion that is relevant to their Motion to Dismiss Plaintiffs' First Amended Consolidated Complaint (the "Motion"). The following decision (attached as **Exhibit A**) was published after the Court heard oral argument on the SunPower Defendants' Motion on August 11, 2011 and took the Motion under submission: *WPP Luxembourg Gamma Three Sarl v. Spot Runner, Inc.*, ___ F.3d ___, No. 10-55401, 2011 U.S. App. LEXIS 17509 (9th Cir. Aug. 23, 2011).

Dated: August 24, 2011

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By: /s/ Judson E. Lobdell
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